

Message

From: Jones, Enesta [Jones.Enesta@epa.gov]
Sent: 6/16/2017 12:28:10 PM
To: Vaughn Hagerty [vaughn.hagerty@gmail.com]
CC: Press [Press@epa.gov]
Subject: Re: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Hi Vaughn,

I have your new questions and hard deadline.

Enesta Jones
U.S. EPA
Office of Media Relations
Office: 202.564.7873
Cell: 202.236.2426

"The root of all joy is gratefulness."

On Jun 16, 2017, at 8:27 AM, Vaughn Hagerty <vaughn.hagerty@gmail.com> wrote:

Hi, Enesta. It's me again. I'm still interested in answers to my questions. I have a few more regarding the consent order for GenX and the exemption I have cited previously.

1) Chemours said Thursday that the GenX in the Cape Fear River and local public water system is a byproduct of a separate process rather than the GenX it produces commercially. Company officials also cited the byproducts exception, which they say means the GenX produced as a byproduct is not covered by the 99 percent emissions abatement requirement in the consent order. Is that interpretation correct?

2) Chemours said this GenX byproduct has been produced and discharged since 1980. Was EPA aware of this prior to or during the formulation of the consent order? If not, why not? If so, why was it not taken into consideration when the consent order was drawn up?

3) If the exception does apply, that means the EPA was concerned enough about GenX to insist that the company "recover, capture or recycle" 99 percent of GenX from air emissions and water discharges -- but only when manufacturing it for commercial purposes. Any GenX produced at the same time as a byproduct in a separate, unrelated process was not bound by that restriction. Is that correct? Can you explain what makes those two situations different from an emissions standpoint in this particular situation?

I'm on deadline today, so I'd need a response by 4 p.m.

Regards,

Vaughn Hagerty

On Thu, Jun 15, 2017 at 8:39 AM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:
Good morning, Vaughn. I am checking into this and will be in touch.

Enesta Jones
U.S. EPA
Office of Media Relations
Office: 202.564.7873
Cell: 202.236.2426

"The root of all joy is gratefulness."

On Jun 15, 2017, at 8:36 AM, Vaughn Hagerty <vaughn.hagerty@gmail.com> wrote:

Hello, Enesta. I'm checking to see if there's any progress on answering any of the specific questions I've asked. Can you let me know an ETA?

Regards,

Vaughn Hagerty

On Tue, Jun 13, 2017 at 4:38 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Thanks, Vaughn. I have your follow-up request.

Enesta Jones
U.S. EPA
Office of Media Relations
Office: 202.564.7873
Cell: 202.236.2426

"The root of all joy is gratefulness."

On Jun 13, 2017, at 4:35 PM, Vaughn Hagerty <vaughn.hagerty@gmail.com> wrote:

Thanks, Enesta. I would, though, appreciate more specific answers as soon as they're available, and not necessarily all at once.

I'm especially interested to know about whether a violation of the consent order has occurred and whether the exemption I cited

would apply in the circumstance where GenX is produced as a byproduct in an unrelated manufacturing process.

I should also mention that I am interested in speaking with Mark Strynar and/or Andrew Lindstrom, who work out of your Research Triangle, NC, office. I think both of them deserve a lot of credit for work done to discover this substance in the river.

-Vaughn

On Tue, Jun 13, 2017 at 4:21 PM, Jones, Enesta
<Jones.Enesta@epa.gov> wrote:

Hi Vaughn,

Please attribute our response below to an agency spokesperson:

EPA is working to gather more information on this matter and will review and determine next steps.

Background Information:

In 2009, EPA and DuPont entered into a consent order that required DuPont to recover, capture or recycle GenX from air emissions and water discharges at the company's facilities in the United States at a rate of 99 percent. In its review of the GenX premanufacture submission, or approval to make the chemical, EPA determined that GenX could go to market if the conditions of the consent order were met.

Enesta Jones
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On Jun 12, 2017, at 7:49 AM, Vaughn Hagerty
<vaughn.hagerty@gmail.com> wrote:

My name is Vaughn Hagerty and I'm a journalist working with the StarNews newspaper in Wilmington, N.C. We've been writing a number of stories regarding the Chemours plant near Fayetteville, N.C., and the discovery of GenX in the Cape Fear River and in the water system of at

least one downstream community. We've cited these studies, both of which include participation by EPA researchers:

https://www.researchgate.net/publication/282129345_Identification_of_Novel_Perfluoroalkyl_Ether_Carboxylic_Acids_PFECAs_and_Sulfonic_Acids_PFESAs_in_Natural_Waters_Using_Accurate_Mass_Time-of-Flight_Mass_Spectrometry_TOFMS

https://www.researchgate.net/publication/309887015_Legacy_and_Emerging_Perfluoroalkyl_Substances_Are_Important_Drinking_Water_Contaminants_in_the_Cape_Fear_River_Watershed_of_North_Carolina

I had been working with Enesta Jones, but she apparently is on vacation. I am working on a story that has a deadline of 4 p.m. Eastern today, June 12.

First, I'm curious if EPA has taken or is contemplating any action as a result of these discoveries. I'd asked this question of Enesta, but the response cited the fact that these are emerging substances that aren't regulated and seemed to indicate no action would result. Is that still the case?

Second, I have a number of questions regarding the consent order issued by EPA to DuPont (now Chemours) for the manufacture of GenX:

1) In her response, Enesta stated: "In its review of the GenX premanufacture submission, EPA determined that the chemical could be commercialized if there were no releases to water." I pointed out that, as detailed in the studies cited above, it *is* in the water. So what happens now from EPA's standpoint? Is Chemours in violation of the consent order? What does that mean?

2) Enesta's response stated: "DuPont is required to recover and capture (destroy) or recycle the chemical from all the process wastewater effluent streams and air emissions (point source and fugitive) at an overall efficiency rate of 99% (i.e., 99% of the chemical can't be released into the environment)." It's difficult to understand what this "efficiency rate" means without

knowledge of the manufacturing limits for the product. What are the manufacturing limits? How would it be monitored and enforced? Does DuPont and/or Chemours provide regular reports about its compliance? If so, how would I obtain those reports?

3) How are the overall terms of such a consent order enforced? Who is responsible? What is the process?

4) Has DuPont and/or Chemours satisfied all the requirements for submitting toxicological/environmental studies? Where can I obtain those? Have any changes been made to the consent order since it was issued, including changes in amounts allowed to be manufactured and monitoring? If so, who sought the changes and what are they?

5) The consent order includes this exception: (3) Byproducts. The requirements of this Order do not apply to the PMN substances when they are produced, without separate commercial intent, only as a "byproduct" as defined at 40 CFR 720.3(d) and in compliance with 40 CFR 720.30(g).

Here are those federal register entries:

40 CFR 720.3(d) Byproduct means a chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance or mixture.

40 CFR 720.30(g) Any byproduct if its only commercial purpose is for use by public or private organizations that (1) burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances from it for commercial purposes. (This exclusion only applies to the byproduct; it does not apply to the component substances extracted from the byproduct.)

If GenX were generated as a byproduct in a process not meant to produce it and in which it was not extracted for commercial use, would this exception apply?

Note that Enesta's response is forwarded below.

Regards,

Vaughn Hagerty

----- Forwarded message -----

From: **Jones, Enesta** <Jones.Enesta@epa.gov>

Date: Thu, Jun 1, 2017 at 7:41 PM

Subject: RE: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

To: Vaughn Hagerty

<vaughn.hagerty@gmail.com>

Cc: Press <Press@epa.gov>

Hi Vaughn,

Thanks for your patience. Please attribute our response below to an agency spokesperson:

Figure 2 of the paper specifically illustrates that GenX only makes up a small percentage of the total PFAS that were determined in this study. Many of these chemicals have very little data on which to make a judgement regarding their potential toxicity.

EPA received the chemical substance referred to as GenX as a new chemical notice from DuPont (which is now Chemours) in 2008. The substance is a perfluoroether derivative. EPA and the company signed a Consent Order in 2009 for the substance which required health and environmental testing, and also controlled worker exposures, environmental releases and the amount of impurities permissible in the final polymers. [A Consent Order can require testing and restrictions as conditions.](#) The Agency is analyzing the data it has received under the Consent Order.

In its review of the GenX premanufacture submission, EPA determined that the chemical could be commercialized if there were no releases to water. Under the terms of the Consent Order, for operations in the United States, DuPont is required to recover and capture (destroy) or recycle the chemical from all the process wastewater effluent streams and air emissions (point source and fugitive) at an overall efficiency rate of 99% (i.e., 99% of the chemical can't be released into the environment). Further, under the terms of the Consent Order, Dupont may only distribute the chemical to those customers, such as manufacturers and processors, that can also achieve this percentage of efficiency or destruction. An important next step is verifying the source of

Locally: Pittsboro indicated that they recently installed a 24/7 PAC Feed System, which is an effective treatment option for PFOA/PFOS. They also plan to conduct confirmatory sampling, which would provide results about the current PFOA/PFOS levels in the finished water. To date, Region 4 does not have any confirmatory sampling data for the Pittsboro community.

In December 2016, Region 4 reached out to the North Carolina Department of Health and Human Services (NC DHHS) to determine their awareness of the advisory and its recommendations. The Health Department acknowledged familiarity with the advisory but stated that they did not have authority to get involved. They stated they find the advisories difficult to implement at the state level, since they aren't regulated compounds.

Although Region 4 has confirmed that NC DEQ, NC DHHS and Town of Pittsboro are aware of the Final Health Advisory's recommendations, the sensitive population has not been notified in the Pittsboro community.

Nationally: EPA is evaluating PFOA and PFOS as drinking water contaminants in accordance with the process required by the Safe Drinking Water Act (SDWA). To regulate a contaminant under SDWA, EPA must find that it: (1) may have adverse health effects; (2) occurs frequently (or there is a substantial likelihood that it occurs frequently) at levels of public health concern; and (3) there is a

meaningful opportunity for health risk reduction for people served by public water systems.

EPA included PFOA and PFOS among the contaminants for which water systems are required to monitor under the third Unregulated Contaminant Monitoring Rule (UCMR 3) in 2012. Results of this monitoring effort can be found on the publicly-available National Contaminant Occurrence Database (NCOD). In accordance with SDWA, EPA will consider the occurrence data from UCMR 3, along with the peer reviewed health effects assessments supporting the PFOA and PFOS Health Advisories, to make a regulatory determination on whether to initiate the process to develop a national primary drinking water regulation.

EPA has conducted monitoring in the Cape Fear River Watershed for perfluorinated compounds. At this time, EPA Region 4 cannot advise on GenX compounds since the EPA does not have a drinking water advisory for these compounds. As noted in #3, EPA is evaluating PFOS and PFOA under the requirements of SDWA.

In 2006, EPA Region 4 has conducted research of perfluorinated compounds in the Cape Fear Watershed. At that time, our investigations did not show impacts of concern to surface water or groundwater; therefore, did not contact the plant operator. Since the paper was published, EPA Region 4 has not contacted the plant operator regarding the findings.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: 202.236.2426

“The root of all joy is gratefulness.”

From: Vaughn Hagerty
[mailto:vaughn.hagerty@gmail.com]
Sent: Tuesday, May 30, 2017 12:02 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>

Subject: Re: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Hi, Enesta. I'm checking again to see if there's any progress on this.

-Vaughn Hagerty

On Thu, May 25, 2017 at 7:24 AM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Hi Vaughn,

My apologies for the delay. This has been an effort involving three program offices and one regional office.

I hope to have a response to you today. Thanks again for your patience.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: 202.236.2426

"The root of all joy is gratefulness."

On May 25, 2017, at 7:22 AM, Vaughn Hagerty
<vaughn.hagerty@gmail.com> wrote:

Enesta,

I'm still interested in some response from EPA. Can you provide me with a more detailed update, such as if and/or when I might expect answers to my questions?

Regards,

Vaughn Hagerty

On Mon, May 22, 2017 at 2:25 PM, Jones, Enesta
<Jones.Enesta@epa.gov> wrote:

Hi Vaughn,

I am checking.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: 202.236.2426

**"The root of all joy is
gratefulness."**

On May 22, 2017, at 2:11 PM,
Vaughn Hagerty
<vaughn.hagerty@gmail.com>
wrote:

Hi, Enesta. Any
update on this?

-Vaughn Hagerty

On Thu, May 18,
2017 at 6:42 PM,
Vaughn Hagerty
<vaughn.hagerty@gmail.com>
wrote:

Yes, that would
work. Thanks!

-Vaughn

On Thu, May
18, 2017 at 4:06
PM, Jones,
Enesta
<Jones.Enesta@epa.gov>
wrote:

Hi Vaughn,

Is getting back
to you the
morning of May
22 ok?

Enesta Jones

U.S. EPA

**Office of Media
Relations**

**Office: [202.564
.7873](tel:202.564.7873)**

**Cell: [202.236.
2426](tel:202.236.2426)**

**"The root of all
joy is
gratefulness."**

From: Jones,
Enesta
Sent:
Wednesday,
May 17, 2017
2:24 PM
To: Vaughn
Hagerty
<vaughn.hagerty@gmail.com>

Subject: Re: EPA
Inquiry RE:
GenX, PFASs in
the Cape Fear
River watershed

Hi Vaughn,

I am checking.
Thanks.

Enesta Jones

U.S. EPA

**Office of
Media
Relations**

**Office:
202.564.7873**

**Cell:
202.236.2426**

**"The root of
all joy is
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On May 17,
2017, at 2:23
PM, Vaughn
Hagerty
<vaughn.hager>

ty@gmail.com

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